

**IN THE UNITED STATES**  
**PATENT AND TRADEMARK OFFICE**  
**PATENT APPLICATION**

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APR 12 2006

Applicant(s): **Christopher Richard Doerr et al.**

Case: **DOERR 73-13 (LCNT/125620)** Confirmation #: **2054**

Serial No.: **10/657,862** Filed: **9/9/03**

Examiner: **Kianni, Kaveh C.** Group Art Unit: **2883**

Title: **INTEGRATEABLE OPTICAL INTERLEAVER AND DE-INTERLEAVER**

<b>CERTIFICATE OF MAILING OR TRANSMISSION</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or being facsimile transmitted to the USPTO, on the date indicated below.
<b>4/12/06</b> Date <b>C-Wilson</b> <b>C-Wilson</b>

MAIL STOP PETITIONS  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY**

Applicants respectfully petition the Commissioner under 37 CFR 1.78(a)(3) for claiming in this pending application the benefit of the earlier filing date of prior-filed nonprovisional U.S. Patent Application No. 10/378,411 (now U.S. Patent No. 6,922,507 B2), filed on March 3, 2003. The prior-filed nonprovisional U.S. Patent Application No. 10/378,411, which issued as U.S. Patent No. 6,922,507 B2 on July 26, 2005, was previously co-pending with this pending application filed on September 9, 2003. The common inventor in prior-filed nonprovisional U.S. Patent Application No. 10/378,411

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and this pending application is Christopher R. Doerr. In accordance with the requirements set forth in 37 CFR 1.78(a)(3), Applicants submit the following:

(i) The reference required by 35 USC 120 and 37 CFR 1.78(a)(2) is concurrently submitted to the Examiner as a Supplemental Amendment, a copy of which is attached to this petition. The amended portion of the specification may be found on Page 2 of the Supplemental Amendment;

(ii) The Commissioner is authorized to charge the fee of \$1370.00 as set forth in 37 CFR 1.17(t), as well as any additional fees which may be required for this petition, to Deposit Account No. 20-0782/LCNT/125620; and

(iii) The entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the filing of this petition was unintentional. Although Applicants referenced prior-filed nonprovisional U.S. Patent Application No. 10/378,411 in the "Cross-Reference to Related Applications" section of the originally filed specification in this pending application, and incorporated prior-filed nonprovisional U.S. Patent Application No. 10/378,411 by reference in its entirety, Applicants inadvertently stated that prior-filed nonprovisional U.S. Patent Application No. 10/378,411 and this pending application are related. Applicants unintentionally failed to state that this pending application is a continuation-in-part of and claims priority to prior-filed nonprovisional U.S. Patent Application No. 10/378,411.

Applicants respectfully submit this Petition and associated Supplemental Amendment, and request acceptance of the priority claim.

Respectfully submitted,



Eamon J. Wall  
Registration No. 39,414  
Attorney for Applicant

Dated:

4/6/06

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